

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.143 of 2021

Vinoth

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pudhupalayam Police Station,
Tiruvannamalai District.
(Crime No.2514 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2514 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.Mariappan

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 10.11.2020 for the offence punishable under Sections 366(A) IPC r/w. 4 and 6 of POCSO Act 2012 in Crime No.2514 of 2020 and seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is alleged to have kidnapped the victim girl, who is aged about 15 years and also committed aggravated penetrative sexual assault against the victim girl. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the defacto complainant and the petitioner loved each other and the victim girl on his own volition, left the parental home and eloped with the petitioner. He would further submit that now the victim girl has been secured and investigation is almost over. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the false promise of getting marriage, the petitioner kidnapped the victim girl and sexually assaulted her. She would further submit that now, the victim girl has been secured and investigation has also been completed. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation is almost over and the victim girl has been secured and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tiruvannamalai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m ., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUDHUPALAYAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges

CRL OP.143/2021

Date :19/01/2021

cs 20/01/2021